



Terry M. Howley
4106 E. Wilder Road #288
Bay City, Michigan 48706
989-395-4737 ph. 989.509.5999 facs.

TERRY M. HOWLEY

5-25-2006

COMPLAINT

UNITED STATES PATENT AND TRADEMARK OFFICE

ATTN: HARRY MOATZ

PATENT APP. 10/615,762

Dear Sir,

Mr. John McCulloch is attorney in two law firms! He has withheld information from me. I still do not know what this document is because Mr. McCulloch has not shown it to me. Supervisor, Peter Poon, told me how to access public files on the Internet. When I fired McCulloch, I had instructed him to forward ALL correspondence to me. All searches, applications and contacts at the USPTO to this date he has not complied with this request.

Furthermore, I came down here from Michigan and revoked his Power of Attorney in both offices!! I have met with Kurt C. Rowan twice and he is still sending my paperwork to Mr. McCulloch. Why?!! He knows I fired McCulloch. The last time I was here was in January, and the time before was in October, 2005 making sure Mr. Rowan knew he was fired. Mr. Poon approved my patent application and yet I still do not have it! Mr. Rowan and I have met twice now and my third meeting is scheduled for Tuesday, May 30, 2006 at 4:00 pm. Mr. Rowan has punched holes all through my patent application and making me go through unneeded expense. I have asked him to have Mr. Poon at the meeting to no avail.

Also enclosed in this complaint is Mr. McCulloch's letter to me from a year ago about his meeting with Mr. Poon. You tell me if there is any collusion between Mr. Rowan and Mr. McCulloch? My first patent was never this hard! Also, Kurt Rowan was the examiner. I ask only that I am granted my patent as it stood a year ago with only one (1) change and that is this: **"A rest for an elongate article substantially as herein described with reference to figures 1 and 2, figures 3 to 5 or figures 3 to 8"**. All are enclosed!

Also enclosed is Mr. McCulloch's letter to me wanting to be 49% partner!!! I also have noticed tampering with my file! The only one who could tamper with my file is Mr. Rowan! Civil suits are soon to follow. There are ethics violations and more damages to me and my team. As it looks to me and my team, there are other documents missing! Where is the same document on my fishing apparatus 10/021,977 granting me a filing date? I have the patent. There are several other patents that Mr. Rowan and Mr. McCulloch have been privy to with appropriate steps to guard against theft shown to Mr. Rowan. I am requesting a new examiner NOW and proper discipline measures taken against all involved...twenty-seven (27) attorneys and one (1) examiner? Is there more? Further investigation on my part is on-going! I have also spoken with my State Senator Jim Barcia stating only the facts!

On file for your inspection are as follows: Disclosure Document No.s 592913, 592912, 592911, 592910, 592909 and 592908. These were filed the day after meeting personally with Kurt C. Rowan! Poor man's patents I also have, sent directly to me via the USPS.

Question remains: Who else also has access to my files? Number should be changed to protect against unauthorized use from those who know or who are getting inside information still!!! Mr. Rowan told me to stop what I am doing. I went Global on this patent 10/615,762 January 9, 2006...the day before meeting with Mr. Rowan.

Sincerely,

Terry M. Howley
989.395.4737

cc: Kurt Rowan, USPTO Examiner
Peter Poon, USPTO Examiner Supvrs.
Jon Dudas, USPTO Acting Director
James Barcia, Michigan State Senator
Michael Cox, Attorney General



DDW

APPLICANT: Terry M. Howley

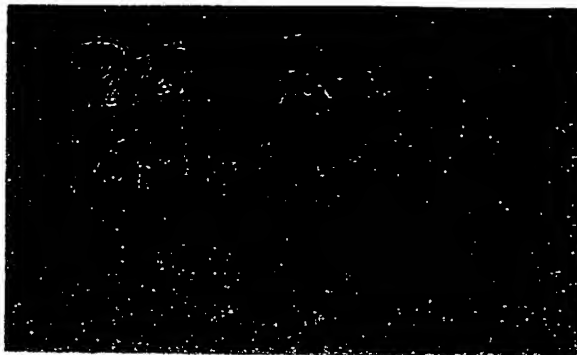
SERIAL NO: 10/615,762

ART UNIT: 3643

FILED: July 9, 2003

FOR: FISHING ROD REST

EXAMINER: Bethany L. Griles



Commissioner for Patents
P.O. BOX 1450
Alexandria, Virginia 22313-1450

January 3, 2005

Sir:

a.) Introductory Comments:

In response to the Advisory Action dated October 19, 2004 applicant requested, and was granted, an interview on December 28, 2004. Examiner Griles was unable to attend the interview, but Supervisory Examiner Peter M. Poon conducted the interview. The courtesy of Mr. Poon in conducting the interview is appreciated.

CERTIFICATION 37 C.F.R. 1.8a and 1.10
(Express Mail Label number is mandatory)
(Express Mail certification is optional).

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service, in an envelope addressed to the Commissioner for Patents, Alexandria, Virginia 22313-1450.

37 C.F.R. 1.8a

37 C.F.R. 1.10

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Carole L. Williams
(type or print name of person certifying)

b.) Remarks:

During the course of the interview applicant's attorney submitted for consideration a claim chart of each of independent claims 21, 31, and 37. Such claim chart included the recitation of each limitation in such claims and identified the corresponding limitation, where applicable, in the Suter patent.

In connection with claim 21, it was pointed out that one of the limitations in the claim is the recitation of a base flanked by a pair of substantially coplanar flanges. It was noted that none of the flanges 19, 13, and 14 of Suter is coplanar. It also was pointed out that claim 21 requires each of the coplanar flanges to have at least one slot therein. Although one of the non-coplanar flanges, 14, of Suter, has a slot, the companion flange does not. It also was pointed out that claim 21 recites clamping means removably accommodated in the slots of the flanges for removably clamping the rod rest construction atop a support. Again, no clamp means is included in any slot in any flange of the Suter construction.

In conjunction with the discussion of the independent claims applicant's attorney submitted two of the devices embodying the claimed construction. One device corresponded to that shown in Figures 1 and 2, and the other corresponded to that shown in Figures 3-5. One of such devices was clamped to a cylindrical rail and illustrated how the member 1 can be used in conjunction with such rail and to the exclusion of all of the other structure shown in Figures 3-8.

Claim 31 also was discussed and it was pointed out that such

claim recites means coupling the body member and the confronting clamp members for rocking movements relative to the body member. The coupling means are shown at 6, 7 and 18, 19, particularly in Figures 3-5. The pivotal accommodation of the parts 18 and 19 in the slots 6 and 7 enable the clamp members 15 and 16 to rock toward and away from one another so as to vary the spacing between such clamp members, thereby enabling the clamp members to straddle and be clamped to supports, such as boat gunwales, of different dimensions. It was pointed out that there is simply nothing in the Suter construction which corresponds to confronting clamp members coupled for rocking movement relative to any body member.

Claim 31 also recites adjusting means reacting between the clamp members for rocking them relative to the body member to vary the spacing between such clamp members. These adjusting means comprise the bolt 31 and the nut 32, as shown in the drawings. Again, nothing in Suter corresponds to such adjusting means or any equivalent thereof.

In the consideration of claim 31 another model of the invention was produced which included the construction shown in Figures 3-5 as applied to a rectangular rail which could correspond to a boat's gunwale or to a rail of the kind commonly provided on a pontoon boat. The ability of the confronting clamp members to rock toward and away from one another and be retained in a selected position relative to one another also was demonstrated.

In the discussion of claim 37 it was pointed out that the body member of applicant's construction is recited as having a base flanked by a

pair of substantially coplanar flanges. It was pointed out that nothing in Suter corresponds to such a base flanked by a pair of substantially coplanar flanges.

It was pointed out that claim 37 also requires at each of the coplanar flanges to have at least one slot therein, whereas in Suter, only one of the non-coplanar flanges has a slot 47 therein.

Claim 37 also recites coupling means carried by each of the clamp members and extending through the slots. These coupling means are the projections 18 and 19. Clearly, there is nothing in Suter corresponding to these members.

Finally, it was pointed out that claim 37 also recites adjusting means spanning the clamp members and operable to vary the space between them. It was pointed out that there is nothing in Suter corresponding to such adjusting means.

The two models referred to earlier incorporate the substance of claim 37.

In a case where, as here, claims are rejected as being anticipated by a prior art reference, it is essential that the reference includes all of the limitations set forth in claims. In the present case, however, it has been shown that Suter does not disclose or fairly teach all of the limitations recited in the claims. It also was shown that the arrangement of the components of Suter does not correspond to the arrangement of elements recited in the claims. Consequently, it was urged on behalf of applicant that Suter does not anticipate or suggest the structural characteristics

recited in the independent claims.

At the conclusion of the interview Mr. Poon agreed that the limitations referred to above and included in claims 21, 31, and 37 were not met under 35 USC 102 by Suter and that such claims appear to be allowable over Suter.

Since all of the independent claims appear to be allowable, all of the respective dependent claims also should be allowable.

This application now is believed to be in condition for formal allowance. Such action is requested.

Enclosed is our check in the amount of \$225 for payment of a two month's extension of time fee.

The Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 50-2676.

Respectfully submitted,

Terry M. Howley
By his attorney,

Registration No. 17,452
John K. McCulloch
5291 Colony Drive North
1st Floor
Saginaw, Michigan 48603
989-792-2500

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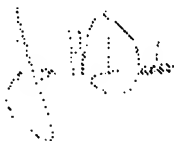
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August 19, 2004

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APPLICATION THAT MET THE REQUIREMENTS TO BE GRANTED A
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APPLICATION NUMBER: 10/615,762
FILING DATE: July 09, 2003
RELATED PCT APPLICATION NUMBER: PCT/US04/21904

Certified by



Jon W Dudas

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Richard W. Hoffmann
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John K. McCulloch
John A. Miller
Gregory L. Ozga
Preston H. Smirman
Philip R. Warn

5291 COLONY DRIVE NORTH
SAGINAW, MICHIGAN 48638

www.warnhoffmann.com

July 13, 2005

Telephone: (989) 792-2500
Facsimile: (989) 792-2535

Auburn Hills Office
691 N. Squirrel Rd. Ste. 140
Auburn Hills, MI 48326

Telephone: (248) 364-4300
Facsimile: (248) 364-4285

Mr. Terry M. Howley
c/o Mr. Matthew A. Baker
4106 Wilder Road No. 288
Bay City, Michigan 48706

Dear Mike:

Re: U.S. and PCT Patent Application
FISHING ROD REST

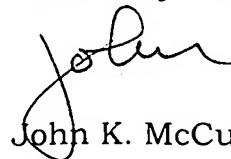
Enclosed is a further statement reflecting an outstanding balance in our favor in the amount of \$10,320. In my letter to you of June 20, 2005 I asked that you make suitable arrangements for the payment of your account. You visited the office shortly after that date and assured me that all, or at least a substantial part, of the outstanding amount would be paid shortly. However, I have heard nothing further from you.

I simply cannot continue to overlook payment of your account. I know you can appreciate this. If you cannot pay the entire amount, I suggest that you make a payment of some amount and execute a security assignment to us of 49% interest in the patent applications and the inventions disclosed therein.

I really would prefer not to become a co-owner of your patent applications, but something has to be done because the other members of my firm are pushing me for payment of the account, particularly in view of the fact that the amount of the statements includes a substantial sum paid by us on your behalf.

I will be glad to discuss this matter with you either by telephone or in person, but I request that you let me hear from you as soon as you can.

Yours very truly,



John K. McCulloch

cw
Enc



United States Patent and Trademark Office

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Address
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Correspondence

Name:	John K. McCulloch
Address:	5291 Colony Drive North 1ST Floor Saginaw MI 48603

Attorney/Agent In

Reg #	Name
16706	GRIFFITH, WILLIAM
17069	LEARMAN, JOHN
17299	ETHINGTON, PAUL
17452	MCCULLOCH, JOHN
19987	WITTSTEIN, MARTIN
20304	WAUGAMAN, WILLIAM
20304	WAUGAMAN, WILLIAM
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John K. McCulloch
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Gregory L. Ozga
Preston H. Smirman
Philip R. Warn

5291 COLONY DRIVE NORTH
SAGINAW, MICHIGAN 48603

www.warnhoffmann.com

January 5, 2005

Telephone: (989) 792-2500
Facsimile: (989) 792-2535

Auburn Hills Office
691 N. Squirrel Rd. Ste. 140
Auburn Hills, MI 48326

Telephone: (248) 364-4300
Facsimile: (248) 364-4285

Mr. Terry M. Howley
c/o Mr. Matthew A. Baker
4106 Wilder Road No. 288
Bay City, Michigan 48706

Dear Mike:

Re: U.S. Patent Application Serial No.
10/615,762 FISHING ROD REST

As I informed you by telephone last week an interview with the supervisory examiner was conducted on December 28, 2004 and the models you had earlier provided to me were shown and demonstrated to him. We discussed each of the claims in your application and presented to the examiner a claim chart which presents each recitation or limitation set forth in the claim and contrasted these recitations or limitations with the disclosure of the Suter patent. At the conclusion of the interview the supervisory examiner stated he agreed with me that Suter did not anticipate the recitations in the claims of your application.

Normally, when a patent examiner, and especially a supervisory patent examiner, indicates that the prior art references relied on by the assistant examiner do not disclose or suggest the invention as claimed, the Patent Office will issue a notice of allowance. Hopefully, that same procedure will follow in this case.

One of the requirements of conducting an interview is the presentation of a summary of what transpired during the interview. I have prepared and forwarded to the Patent Office the required summary. A copy is enclosed for your file.

Mr. Terry M. Howley
Page 2

January 5, 2005

I will keep you informed of developments. In the meantime, please let me know if you have any questions or comments.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John", written in black ink.

John K. McCulloch

cw

